

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA,

Plaintiff,

v.

ONE STAR CLASS SLOOP SAILBOAT  
BUILT IN 1930 WITH HULL NUMBER  
721, NAMED "FLASH II",

Defendant.

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KERRY SCOTT LANE, M.D.

Claimant.

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Civil Action # 05-10192 RWZ

**MOTION TO CONDUCT THE DECEMBER 19 STATUS HEARING  
BY TELEPHONE**

Claimant, Kerry Scott Lane, M.D., through undersigned counsel, hereby moves this Honorable Court for leave to conduct the December 19 status hearing telephonically. As grounds for this motion claimant states the following:

1. Claimant's lead counsel, Brenda Grantland, is located in Mill Valley, California. Even if it would be possible to find a flight to Boston with less than four days notice, during the height of the Christmas travel rush, it would be inordinately expensive. Additionally, Ms. Grantland has made plans for Christmas, including a guest who is expected to be staying in her home next week.

2. Claimant's local counsel, Eric Greenberg, has a conflicting court appearance on December 19<sup>th</sup> in New Bedford District Court. Although it is possible that he could get a

continuance in the state court, that court proceeding has already been moved several times.

Although local counsel could stand in for Ms. Grantland at a status hearing, Ms. Grantland needs to be present if at all possible, because she has been handling all of the research, writing, discovery, preparation and hearings. In order to cut down on Claimant's mounting attorneys fees, local counsel has not been in the loop on many of the details. Furthermore, Claimant hired Ms. Grantland because of her years of forfeiture litigation experience. Local counsel, though an excellent lawyer, has no previous forfeiture experience.

3. In her phone call to local counsel, the courtroom deputy suggested that this Court would be scheduling an evidentiary hearing in the week following Christmas. Again we run into the problem of attempting to travel at the last minute during the Christmas travel season. (Claimant, a doctor on duty in a hospital, lives in Florida.) Furthermore, because the facts at issue are uniquely known to federal agents and employees of the U.S. Attorney's Office, Claimant cannot adequately prepare for an evidentiary hearing without completing discovery. Claimant has himself complied with discovery (except for a deposition which the government tried to schedule on three days notice – and which Claimant will comply with given reasonable notice), but the government has resisted many of Claimant's discovery requests. Claimant's motion to compel discovery is pending.

4. Counsel called AUSA Nancy Rue and got a recording saying she will be out of the office until December 18. She contacted AUSA Jennifer Zacks, who is standing in for AUSA Rue in her absence. Ms. Zacks stated that she did not believe Ms. Rue would object to conducting the status hearing telephonically.

Respectfully submitted,  
Kerry Scott Lane, MD,

By his attorneys,

/s/ Brenda Grantland  
Brenda Grantland, Esq.  
Law Office of Brenda Grantland  
20 Sunnyside Suite A-204  
Mill Valley, CA 94941  
(415) 380-9108  
Pro hac vice

/s/ Eric B. Goldberg  
Jeffrey P. Allen (BBO# 015500)  
Eric B. Goldberg (BBO# 564398)  
Seegel Lipshutz & Wilchins, P.C.  
Wellesley Office Park  
20 William Street, Suite 130  
Wellesley, MA 02481  
(781) 237-4400